

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1573 of 2019**

Avinash Mishra S/o Narendra Mishra Aged About 32 Years R/o
Bouripara, Police Station Ambikapur, District- Surguja, Chhattisgarh.,
District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Ambikapur, District- Surguja, Chhattisgarh., District : Surguja
(Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri V.K. Pandey, Advocate
For the State	:	Shri Arup Goyal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**15/03/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.658/2018 registered at Police Station Ambikapur, District Surguja (C.G.) for the offence punishable under Section 21 (B) of the NDPS Act.
3. Case of the prosecution, in brief is that on 08/12/2018, 13.35 hours, at near turning point Dhaba Shankarghat, Ambikapur Sub Inspector Chitrnanjan Sahu posted at Police Station, Ambikapur seized 9.16 grams brown sugar from the possession of the applicant.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that 9 other criminal cases have been registered against the applicant out of which 7 cases under IPC and 1 under Gambling Act and another under NDPS Act.
6. Counsel for the applicant further submitted that co-accused Sant Agariya has been enlarged on bail by this Court on 20/02/2019 in MCRC No. 957/2019. He drew my attention that in similar matter this Court has

granted bail accused Ravi Kashyap on 07/02/2019 in MCRC No. 517/2019.

7. The brown sugar which was allegedly seized from the possession of co-accused Sant Agariya was 5.58 grams. In the matter of Ravi Kashyap allegedly seized quantity of brown sugar of 5.56 grams. In the case in hand allegedly seized brown sugar is more than 6 grams.
8. Looking to the facts and circumstances of the case, looking to the alleged seized quantity of brown sugar, looking to this fact that 9 other criminal cases have been registered against the applicant out of which 7 cases under IPC and 1 under Gambling Act and another under NDPS Act, this Court is not inclined to give the benefit under Section 439 of CrPC to the applicant. Accordingly, bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde